

107TH CONGRESS  
1ST SESSION

# S. 843

To provide assistance to States to expand and establish drug abuse treatment programs to enable such programs to provide services to individuals who voluntarily seek treatment for drug abuse.

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## IN THE SENATE OF THE UNITED STATES

MAY 8, 2001

Mrs. BOXER introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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## A BILL

To provide assistance to States to expand and establish drug abuse treatment programs to enable such programs to provide services to individuals who voluntarily seek treatment for drug abuse.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Treatment on Demand  
5       Assistance Act”.

6       **SEC. 2. FINDINGS.**

7       Congress makes the following findings:

1           (1) According to the Department of Health and  
2           Human Services, each year drug and alcohol related  
3           abuse kills more than 120,000 Americans.

4           (2) In 1999, an estimated 14,800,000 Ameri-  
5           cans were current illicit drug users.

6           (3) States across the country are faced with in-  
7           creasing demands for drug treatment programs.

8           (4) In addition, methamphetamine abuse con-  
9           tinues to be on the rise. Methamphetamine abuse ac-  
10          counts for 5.1 percent of all treatment admissions,  
11          which was the fourth highest percentage after co-  
12          caine, heroin, and marijuana.

13          (5) Current statistics show that methamphet-  
14          amine use is increasing rapidly especially among the  
15          nation's youth.

16          (6) There are over 2,800,000 substance abusers  
17          in America in need of treatment.

18          (7) This number exceeds the 2,137,100 persons  
19          receiving treatment.

20          (8) Recent reports indicate that every addi-  
21          tional dollar invested in substance abuse treatment  
22          saves taxpayers \$7.46 in societal costs.

23          (9) In California, the average cost to taxpayers  
24          per inmate, per year, is \$23,406 versus the national  
25          average cost of \$4,300 for a full treatment program.

1           (10) Drugs and alcohol cost taxpayers nearly  
2       \$276,000,000,000 annually in preventable health  
3       care costs, extra law enforcement, auto crashes,  
4       crime and lost productivity versus \$3,100,000,000  
5       appropriated for substance abuse-related activities in  
6       fiscal year 2000.

7           (11) Nationwide, 59 percent of police chiefs be-  
8       lieve that drug offenders are served better by partici-  
9       pation in treatment programs versus prisons only.

10          (12) Current treatment on demand programs  
11       such as those in San Francisco and Baltimore focus  
12       on the specific drug abuse needs of the local commu-  
13       nity and should be encouraged.

14          (13) Many States have developed programs de-  
15       signed to treat non-violent drug offenders and this  
16       should be encouraged.

17          (14) Drug treatment prevention programs must  
18       be increased in order to effectively address the needs  
19       of those actively seeking treatment before they com-  
20       mit a crime.

21 **SEC. 3. PURPOSE.**

22       It is the purpose of this Act to—

23           (1) assist individuals who seek the services of  
24       drug abuse treatment programs by providing them  
25       with treatment on demand;

1           (2) provide assistance to help eliminate the  
2       backlog of individuals on waiting lists to obtain drug  
3       treatment for their addictions;

4           (3) enhance public safety by reducing drug-re-  
5       lated crimes and preserving jails and prison cells for  
6       serious and violent criminal offenders;

7           (4) complement the efforts of law enforcement  
8       by providing additional funding to expand current  
9       community-based treatment efforts and prevent the  
10      recidivism of those currently in the correctional sys-  
11      tem; and

12          (5) assist States in the implementation of alter-  
13      native drug treatment programs that divert non-vio-  
14      lent drug offenders to treatment programs that are  
15      more suited for the rehabilitation of drug offenders.

16 **SEC. 4. DEFINITIONS.**

17       In this Act:

18          (1) **NON-VIOLENT.**—The term “non-violent”  
19      with respect to a criminal offense means an offense  
20      that is not a crime of violence as defined under the  
21      applicable State law.

22          (2) **SECRETARY.**—The term “Secretary” means  
23      the Secretary of Health and Human Services.

1           (3) STATE.—The term “State” means each of  
2           the 50 States, the District of Columbia and the  
3           Commonwealth of Puerto Rico.

4   **SEC. 5. GRANTS FOR THE EXPANSION OF CAPACITY FOR**  
5                           **PROVIDING TREATMENT.**

6           Subpart 1 of part B of title V of the Public Health  
7   Service Act (42 U.S.C. 290bb et seq.), as amended by sec-  
8   tions 3104 and 3632 of the Youth Drug and Mental  
9   Health Services Act (Public Law 106–310), is amended—

10           (1) by redesignating the section 514 relating to  
11           the methamphetamine and amphetamine treatment  
12           initiative as section 514B and inserting such section  
13           after section 514A; and

14           (2) and by adding at the end the following:

15   **“SEC. 514C. TREATMENT ON DEMAND.**

16           “(a) IN GENERAL.—The Secretary, acting through  
17   the Director of the Center for Substance Abuse Treat-  
18   ment, shall—

19           “(1) award grants, contracts, or cooperative  
20           agreements to public and private nonprofit entities,  
21           including Native Alaskan entities and Indian tribes  
22           and tribal organizations; and

23           “(2) award block grants to States;  
24   for the purpose of providing substance abuse treatment  
25   services.

1 “(b) ELIGIBILITY.—

2 “(1) IN GENERAL.—To be eligible to receive a  
3 grant, contract, or cooperative agreement under sub-  
4 section (a) an entity or a State shall provide assur-  
5 ances to the Secretary that amounts received under  
6 such grant, contract, or agreement will only be used  
7 for substance abuse treatment programs that have  
8 been certified by the State as using licensed or cer-  
9 tified providers.

10 “(2) APPLICATION.—An entity or State desir-  
11 ing a grant, contract, or cooperative agreement  
12 under subsection (a) shall submit an application to  
13 the Secretary at such time, in such manner, and ac-  
14 companied by such information as the Secretary may  
15 reasonably require.

16 “(3) PRIORITY.—In awarding grants, contracts,  
17 or cooperative agreements to entities under sub-  
18 section (a)(1), the Secretary shall give priority to ap-  
19 plicants who propose to eliminate the waiting lists  
20 for substance abuse treatment on demand programs  
21 in local communities with high incidences of drug  
22 use.

23 “(c) AMOUNT.—

24 “(1) PUBLIC AND PRIVATE NONPROFIT ENTI-  
25 TIES.—The amount of each grant, contract, or coop-

1       erative agreement awarded to a public or private  
 2       nonprofit entity under subsection (a)(1) shall be de-  
 3       termined by the Secretary based on the application  
 4       submitted by such an entity.

5           “(2) STATES.—The amount of a block grant  
 6       awarded to a State under subsection (a)(2) shall be  
 7       determined by the Secretary based on the formula  
 8       contained in section 1933.

9           “(d) DURATION OF GRANTS.—The Secretary shall  
 10      award grants, contracts, or cooperative agreements under  
 11      subsection (a) for periods not to exceed 5 fiscal years.

12          “(e) REQUIREMENT OF MATCHING FUNDS.—

13           “(1) IN GENERAL.—Subject to paragraph (3),  
 14      the Director may not make a grant, contract, or co-  
 15      operative agreement under subsection (a) unless the  
 16      entity or State involved agrees, with respect to the  
 17      costs of the program to be carried out by the entity  
 18      or State pursuant to such subsection, to make avail-  
 19      able (directly or through donations from public or  
 20      private entities) non-Federal contributions toward  
 21      such costs in an amount that is—

22           “(A) for the first fiscal year for which the  
 23           entity or State receives such a grant, contract,  
 24           or cooperative agreement, not less than \$1 for

1 each \$9 of Federal funds provided in the grant,  
 2 contract, or cooperative agreement;

3 “(B) for any second or third such fiscal  
 4 year, not less than \$1 for each \$5 of Federal  
 5 funds provided in the grant, contract, or coop-  
 6 erative agreement; and

7 “(C) for any subsequent such fiscal year,  
 8 not less than \$1 for each \$3 of Federal funds  
 9 provided in the grant, contract, or cooperative  
 10 agreement.

11 “(2) DETERMINATION OF AMOUNT OF NON-  
 12 FEDERAL CONTRIBUTION.—Non-Federal contribu-  
 13 tions required in paragraph (1) may be in cash or  
 14 in kind, fairly evaluated, including plant, equipment,  
 15 or services. Amounts provided by the Federal Gov-  
 16 ernment, or services assisted or subsidized to any  
 17 significant extent by the Federal Government, may  
 18 not be included in determining the amount of such  
 19 non-Federal contributions.

20 “(3) WAIVER.—The Director may waive the re-  
 21 quirement established in paragraph (1) if the Direc-  
 22 tor determines—

23 “(A) that extraordinary economic condi-  
 24 tions in the area to be served by the entity or  
 25 State involved justify the waiver; or



1           “(B) that other circumstances exist with  
 2           respect to the entity or State that justify the  
 3           waiver, including the limited size of the entity  
 4           or State or the ability of the entity or State to  
 5           raise funds.

6           “(f) EVALUATION.—An entity or State that receives  
 7           a grant, contract, or cooperative agreement under sub-  
 8           section (a) shall submit, in the application for such grant,  
 9           contract, or cooperative agreement, a plan for the evalua-  
 10          tion of any project undertaken with funds provided under  
 11          this section. Such entity or State shall provide the Sec-  
 12          retary with periodic evaluations of the progress of such  
 13          project and such evaluation at the completion of such  
 14          project as the Secretary determines to be appropriate.

15          “(g) USE FOR CONSTRUCTION.—A grantee under  
 16          this section may use up to 25 percent of the amount  
 17          awarded under the grant, contract, or cooperative agree-  
 18          ment under this section for the costs of construction or  
 19          major renovation of facilities to be used to provide sub-  
 20          stance abuse treatment services and for facility mainte-  
 21          nance.

22          “(h) AUTHORIZATION OF APPROPRIATIONS.—

23                 “(1) IN GENERAL.—There are authorized to be  
 24                 appropriated to carry out this section—

25                         “(A) \$600,000,000 for fiscal year 2002;

1 “(B) \$1,200,000,000 for fiscal year 2003;

2 “(C) \$1,800,000,000 for fiscal year 2004;

3 “(D) \$2,400,000,000 for fiscal year 2005;

4 and

5 “(E) \$3,000,000,000 for fiscal year 2006.

6 “(2) ALLOCATION OF FUNDS.—From the  
7 amount appropriated under paragraph (1) for each  
8 fiscal year, the Secretary shall allocate—

9 “(A) 50 percent of such amount to award  
10 grants, contracts, or cooperative agreements to  
11 public or nonprofit private entities under sub-  
12 section (a)(1); and

13 “(B) 50 percent of such amount to award  
14 grants to States under subsection (a)(2).”.

15 **SEC. 6. ALTERNATIVE TREATMENT PROGRAMS.**

16 (a) GRANTS.—The Attorney General, in consultation  
17 with the Secretary, shall award grants to eligible States  
18 to enable such States, either directly or through the provi-  
19 sion of assistance to counties or local municipalities, to  
20 provide drug treatment services to individuals who have  
21 been convicted of non-violent drug possession offenses and  
22 diverted from incarceration because of the enrollment of  
23 such individuals into community-based drug treatment  
24 programs.

1 (b) ELIGIBILITY.—To be eligible to receive a grant  
2 under this section a State shall—

3 (1) be implementing an alternative drug treat-  
4 ment program under which any individual in the  
5 State who has been convicted of a non-violent drug  
6 possession offense may be enrolled in an appropriate  
7 drug treatment program as an alternative to incar-  
8 ceration; and

9 (2) prepare and submit to the Secretary an ap-  
10 plication at such time, in such manner, and con-  
11 taining such information as the Secretary may re-  
12 quire.

13 (c) USE OF FUNDS.—Amounts provided to a State  
14 under a grant under this section may be used by the State  
15 (or by State or local entities that receive funding from the  
16 State under this section) to pay expenses associated  
17 with—

18 (1) the construction of treatment facilities;

19 (2) payments to related drug treatment services  
20 providers that are necessary for the effectiveness of  
21 the program, including aftercare supervision, voca-  
22 tional training, education, and job placement;

23 (3) drug testing;

24 (4) probation services;

1           (5) counseling, including mental health services;  
2           and  
3           (6) the operation of drug courts.

4           (d) **MATCHING REQUIREMENT.**—Funds may not be  
5 provided to a State under this section unless the State  
6 agrees that, with respect to the costs to be incurred by  
7 the State in carrying out the drug treatment program in-  
8 volved, the State will make available (directly or through  
9 donations from public or private entities) non-Federal con-  
10 tributions toward such costs in an amount that is at least  
11 equal to the amount of Federal funds provided to the  
12 State under this section.

13          (e) **AUTHORIZATION OF APPROPRIATIONS.**—There is  
14 authorized to carry out this section, \$250,000,000 for  
15 each of fiscal years 2002 through 2006.

16 **SEC. 7. STUDY BY THE GENERAL ACCOUNTING OFFICE.**

17          (a) **IN GENERAL.**—The General Accounting Office  
18 shall conduct a study of the use of funds under this Act  
19 and the amendments made by this Act. In conducting such  
20 study, the Office shall make determinations as to whether  
21 such funding meets, exceeds, or falls short of the level of  
22 funding needed to provide substance abuse treatment to  
23 those in need.

24          (b) **REPORTS.**—The General Accounting Office shall  
25 prepare and submit to the appropriate committees of Con-

1 gress an interim and final report concerning the study  
2 conducted under subsection (a). The reports required  
3 under this subsection shall be submitted—

4           (1) with respect to the interim report, not later  
5       than 2 years after the date of enactment of this Act;  
6       and

7           (2) with respect to the final report, not later  
8       than 4 years after the date of enactment of this Act.

○